

KAREN BORN
Plaintiff (JAP-TJB)
2 BERNARD PL
ABERDEEN, NJ
07706-1600 67747-24
Attorney: Michael J. Schwartz

R E C E I V E D

JUL 15 2014

AT 8:30 M
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

KAREN BORN,

Plaintiff, : Civil Action No. 3:13-cv-02963 (JAP-TJB)

vs. :

THE TOWNSHIP OF ABERDEEN,
THE TOWNSHIP OF ABERDEEN
POLICE DEPARTMENT, HON. SCOTT
BASEN, CHIEF JOHN POWERS,
SGT. DERECHAILO, SGT. CHEVALIER,
P.O. LASKO, P.O. HAUSMANN,
P.O. DESARNO; P.O. GRIFFITH,
P.O. MAISANO, P.O. ALBIERTI,
P.O. PETER, P.O. MARY JOHNSON,
P.O. GRIVAS, and OTHER UNNAMED
OFFICERS,

Defendants. :

PLAINTIFFS' MOTION FOR
A PRELIMINARY INJUNCTION

This matter having come before the Court on a motion of KAREN BORN, Plaintiff,
Against defendants Township of Aberdeen, Township of Aberdeen Police Department, Hon.
Scott Basen, Chief John Powers, Sgt. Derechailo, Sgt. Chevalier, P.O. Lasko, P.O. Hausmann, P.O.
Desarno, P.O. Griffith, P.O. Maisano, P.O. Albierti, P.O. Peter, P.O. Mary Johnson, P.O. Grivas, and
other unnamed officers, seeking an Order FOR A PRELIMINARY INJUNCTION
ORDERING THE ABERDEEN POLICE TO STOP FOLLOWING, STALKING,
WATCHING, USING INVALID SURVEILLANCE AND TRESPASSING
ON PLAINTIFFS' PROPERTY FOR NO VALID REASON.

Please accept this letter brief in support of my request for a **Preliminary Injunction** against the defendants, the Aberdeen Police to stop and cease their *constant malicious, illegal stalking, following and invalid surveillance of me*.

I submitted a Motion for a second Amendment in June 2014.

As is always the case, right after the defendants receive my Amendment, lawsuit, brief, etc, their stalking, harassment, surveillance against me becomes more aggressive, blatant , intimidating, more malicious and more pronounced.

Based on the following description of their illegal, continuous, aggressive, intimidating , malicious, repeated, frightening stalking, following, illegal surveillance of me I am in constant fear for my safety from the defendants.

Plaintiff respectfully asks the Court, Your Honor to grant issue a Preliminary Injunction ordering the defendants to cease and stop their constant illegal malicious stalking, following, surveillance of me.

Recently, I have left town and had to stay with a friend, I am so afraid from the defendants. But I need to be in Aberdeen to look after my elderly mother (she is 92) and my disabled brother.

While I was in my yard, a uniformed Aberdeen cop trespassed on my property. He came from Officer Lasko's marked SUV (car# 6312) that was across the street stalking me.

There was no valid reason for the defendant, a uniformed Aberdeen cop to be trespassing on my property. I was not under arrest, there was no warrant.

I know for a fact, the Officer's intent was to trespass on my property, and assault/ molest me. I live on a dead end street and the porch of my house is secluded so if he attacked me on my porch, even my neighbors could not see.

I then ran into my house and called Aberdeen police and requested the Aberdeen cop car stop watching my house and leave. I observed the uniformed officer leave my property and get back into the SUV. Five minutes later, the SUV was gone.

- Where the Aberdeen cop car, (Lasko, car#6312, SUV) was sitting was a Condo Parking Lot, and a witness there who was doing work on the Condo witnessed the uniformed Aberdeen trespass on my property. (I Talked to this witness).

On 6/21/14, late at night, (12:28AM), as I left my home and walked to my brothers car to get a ride somewhere, two, NOT ONE BUT TWO, marked Aberdeen cop cars drove by me as I got into my brothers car.

2 nights prior to above (6/19/14), again late at night (midnight), when my brother was giving me a ride, they followed us, tailgaited us to the light.

On 6/23/14, at Noon time, as I walked home from the train station, I was followed home by 4 different Aberdeen patrol cars.

Ex. Yesterday, (6/24/14) a marked Aberdeen patrol car drove by my home at 9AM. I left my home at 1:30pm and returned at 6PM. As I was stepping out of the taxi, the exact minute I appeared back at my home after 5 hours, a marked Aberdeen patrol car drove by my home. I live on a quiet culdesac; I do not live on a busy heavily traveled street.

The only way they can do this is to be following me, using surveillance to find out where I go and when I leave and when I return home; Which is illegal and a violation of my Fourteenth Amendment right to Liberty and Freedom.

Late at night

6/26/14 11PM - As I sit in my house, I Look out My window and see a marked Aberdeen patrol car Right Next to my house.

~~6/26/14 8PM - I am followed by them as I leave a Party after writing this brief~~

In addition, Aberdeen Officer Craig Hausmann had stalked me, followed me over 15 times, offduty, when I travel 1 hour North to my Boyfriends' house in North Jersey and he has waited outside his apartment and tried to come inside, I believe to molest, sexually assault me.

Officer Hausmann

My boyfriend is a witness to the above, but he is too afraid to come forward because he is a Cop.

This Officer, Hausmann is the Officer who grabbed my rear end when I was in handcuffs on Nov 2012 (I was NOT under arrest, he was taking me to the hospital); he is also the Officer who refused to help me with a domestic violence issue I had with my family on 2/24/14 and instead kicked down my bedroom door inside my house for no valid reason and then kicked me in the head repeatedly as I lay defenseless on my bedroom floor, INJURING ME.

I ran into my bedroom when he came into my home because I WAS SCARED OF HIM, he had hurt me, assaulted me before very badly (grabbing my rear end, Nov 13 and injuring me again in Nov 12, injuring my Shoulder so I could not move it for 2 months to even put a coat on).

This Officer also previously stalked me to my house on 4/2/13 late at night, (10:30PM) when I was in my driveway, pulled into my driveway with NO POLICE LIGHTS ON, proceeded to lie and give me 3 tickets IN MY DRIVEWAY (driving while suspended, no license, and careless driving) and when I stated he was a liar and making everything up and that he did not see anything; he laughed IN MY DRIVEWAY and said "YOU ARE RIGHT KAREN I DID NOT SEE ANYTHING".

Then this Officer, Craig-Hausmann LIED UNDER OATH in ABERDEEN Court and stated that he observed me driving on the HWY and turned around to follow me and he lied and said he had his police lights On and that refused to stop.

This Officer Lied UNDER OATH in ABERDEEN COURT about the above, he NEVER AT ANY TIME HAD HIS POLICE LIGHTS ON AND HE GAVE ME THE 3 TICKETS IN MY DRIVEWAY.

So at Aberdeen Court, my lawyer asked to see the video from his dashcam proving that his story was true, and all of a sudden he could not locate or find the video, proving he was a liar.

I had to spend 10 days in jail and pay 1000 fine based on this Officers' LIES in Court.

I am appealing all guilty verdicts from Aberdeen Court, including the above on 7/3/14.

Another example of INVALID SURVEILLANCE – 12-4-12

In my original Complaint, when I was arrested by Officer Lasko on 12-4-12 and charged with making a false 911 call (THE CALL WAS NOT FALSE, it ended up being my word against Officer Lasko in court; The court threw out a 911 Call Lasko tried to use as evidence; I am appealing my guilty verdict in Superior Court on 7-3-14)

This is the same Officer that stalked me on 6/18/14 at my house – see Page 2)

The day I got arrested (12-4-12), was the SAME DAY I tried to file Criminal Charges against Officer Hausmann for grabbing my rear end when I was handcuffed in Nov 2013).

Plaintiff states this was NOT a coincidence but I was arrested in retaliation for me trying to file Criminal Charges against Officer Hausmann.

The critical point here when I was arrested on 12/4/12 my Smartphone was illegally seized by Sgt. Oliver with NO WARRANT or Court Order. (The Supreme Court has ruled on 6/25/14 that this is not legal).

The point is, as a result I changed my phone number. One month later, Officer Lasko left me a voice message on my NEW PHONE NUMBER. (Jan 2013).

The legal question here is “How did Officer Lasko get my NEW PHONE NUMBER?” He did not have a Court Order or Search warrant.

The above constitutes one more example of invasion of privacy, and illegal surveillance

Also, this INVALID STALKING, FOLLOWING, HARASSING, SURVEILLING ALSO EXTENDS TO MY FAMILY.

The end of June 14 – an ABENDEES officer followed my Mom as she DROVE into McDonalds, – HE HAD NO PROBABLE CAUSE to stop her! – She DID Nothing wrong. The officer DID NOT ACTIVATE HIS POLICE LIGHTS HE ASKED MY MOM ABOUT her Registration since my Dad DIED 2 years ago.

Everything was in order. – But THIS WASN’T LEGAL
the officer HAD no reason to stop her. SEARCH

History

As the Court is aware, this is my second lawsuit against the defendants, the Aberdeen Police.

I initially brought the first lawsuit against them (in 2009) at the advice of an attorney whom I turned to because I was constantly followed, stalked EVERY DAY by the Defendants, the Aberdeen Police and I just wanted to be left alone by the Aberdeen Police.

In my first lawsuit, I stated on over at least 10 times, in clear explicit language, how their stalking, following me, invalid surveillance of me frightened me, caused me great emotional distress, and is one of the reasons I now have an emotional condition called COMPLEX POST TRAUMATIC STRESS DIOSORDER which causes me not to be able to work at my stated profession, a Computer Systems Analyst.

(I was diagnosed with this condition in 2009 by Dr. Holstein who stated it was his opinion that this latter disorder was directly caused by multiple traumatic incidents of police brutality against me by the defendants, the Aberdeen Police. (Please see Exhibit A). PREVIOUSLY SUBMITTED IN MY ORIGINAL COMPLAINT.

History

Years ago (99), I filed a tort claim against the Aberdeen Police. After that, all this harassment, retaliation, stalking of me started.

On one occasion (2000), the defendants, the Aberdeen Police took me against my will to the hospital. In the patrol car, Detective Vaccaro stated to me "YOU ARE A PRETTY PRETTY GIRL KAREN". And then he; Detective Vaccaro said to Detective Geyer, "IS THE BOYFRIEND IN OR OUT????", and they further joked about bringing me to the hospital. Detective Geyer stated "Why don't you drop her off and take me to the hospital" and they also asked me (Detective Geyer) when are you going to sell your house?

These statements are all inappropriate and document that the Aberdeen cop was attracted to me, and the second statement is proof that the Aberdeen police were trying to break myself and my boyfriend up so they could harass, stalk, follow me everywhere, etc. and I would be alone and have no one to help me, defend me from the defendants, the Aberdeen Police.

Due to the defendants constant, daily harassment of me, which both upset both myself and my boyfriend greatly, we ended up breaking up (we were engaged to be married, and we sold our home in Aberdeen in 2000. At the time, I owned a home in Aberdeen with my boyfriend.

They Broke up a 23 year relationship I had with my boyfriend/ fiancé!
The Defendants Aberdeen police
In 2000

History (Continued)

I provide 2 prior incidents to Your Honor so you can understand how malicious, *abusive, illegal and out of control* the Defendants conduct towards me is.

I do not have a good support system and the Defendants know this and they know they can get away *with* ⁴⁴
 Similar to a Bully.

*ABUSIVE
HARASSING ME*

Incident One – In 2009- During my first Lawsuit, an Aberdeen Patrol Officer Albierti tried to Hit me with their Patrol car.

I was on foot, walking from my home through my neighborhood at 2AM and needed to cross the Hwy (34) to get to a Gas station to get some food.

There were no cars on the Hwy at 2AM.

I started to cross the Hwy on foot. All of sudden, a marked Aberdeen patrol car driven by Officer Albierti shone his bright lights at me, Blinding me and drove towards me at a very high rate of speed.

I had to jump off the Highway to avoid being hit by Officer Albierti.

Even 4 cop cars from a neighboring town, Matawan saw this and stopped. I told them that I was suing Officer Albierti currently in Federal Court and he tried to hit me with his car.

I later filed an Amendment, adding this incident to my first lawsuit.

I refer to this Incident as my ORIGINAL
Complaint, pages 8-9.

↙
The second incident, occurred during my last lawsuit, in 2009, I was at my home, LATE AT NIGHT, 10:30PM. I live on a quiet culdesac. I was being harassed by a **teenage kid who was a son of one of the ABERDEEN Cops (the Defendants)**.

The male teenager was drunk and disorderly, screaming obscenities at me, banging signs, creating a disturbance outside my house. I told him I would call the cops. He stated the cops would do nothing, His father was one of the cops.

I called the Aberdeen cops. The kid ran away when I did.

The Defendants, the Aberdeen Police, did nothing.

The next day, in the morning, 3 Aberdeen cops, led by Sgt. Sigismondi (the elder one), knock at my door, telling me they want to take me to the hospital for an evaluation based on my above call to them.

Both my mother and I refused to open the door because she knew how the defendants, the Aberdeen police, abused me, harassed me, assaulted me wrongly.

Note: It is illegal to seize someone and take them to the hospital for an evaluation based on the above.

NJ has very strict standards for seizing someone and taking them for a mental evaluation. NJ State Law requires someone to be a danger to themselves or others and in this case I clearly was not.

I had just awoke and was not dressed, I had on only a bra and underwear. I was in the kitchen. The 3 Aberdeen cops then walk around the back of my house and peep at me in my bra and underwear through my clear sliding glass doors in the back of my house.

I heard Sgt. Sigismondi (the elder one) state to the other 2 Officers, "We are not going to let her file charges against anyone in our town".

I move into my living room to get away from the peeping police. (this constitutes at least, invasion of privacy).

The above statement by Sgt. Sigismondi proves this incident was **retaliation** against me for suing them and for trying to file criminal charges of harassment against the Aberdeen cops' son who had harassed me at my house the night before.

Next, a uniformed Officer, Officer Young, **illegally enters my house by climbing through an open window** on the side of my house. My mother saw this and asked him "what was he doing????"

I call my lawyer and he told me the police have no right to enter your house at all unless they have a warrant or you are under arrest. (there was NO WARRANT and I was NOT under arrest.)

My lawyer told me to go lock myself in a room and they will leave.

I took my lawyer's advice. I went and locked myself in the garage.

Next, Sgt. Sigismondi (the elder one) threatens my 90 year old mother "If she does not give them the key they will break down the door"

My mother who was frail and elderly (90 years old), was very frightened by the Police, so she gave them the key.

Next, Officer Young comes into my garage, assaults me, handcuffs me for no valid reason, there is NO WARRANT and I am NOT UNDER ARREST, and drags me out of my house at noon time in FRONT OF ALL MY NEIGHBORS HALF NAKED. (I have on only a bra, underwear and no shoes).

I refuse to get in the patrol car, telling Officer Young I need to put on some clothes.

He refused to let me put on clothes, stating "DON'T WORRY, YOU HAVE YOUR BIKINIS ON".

Officer Young threatened to assault me again, if I did not get in the patrol car.

Officer Dowd was driving. **I called 911 and stated I was being kidnapped and assaulted and I had no clothes on by the Aberdeen Police who I was currently suing in Federal Court.**

The Aberdeen Police answered the 911 call and did nothing.

*As if I wasn't already humiliated enough, Officer Dowd took the **busiest Hwy, Rte 35** which was packed, to go to the hospital, so **EVERYONE** on the HWY in their cars, could see me half naked, in handcuffs, in only a bra and underwear barefoot in the patrol car.*

It was July and Officer Dowd refused to put the AC on. It was like 100 degrees in the car, I was sweating and could not breath. I kept telling Officer Dowd I could not breathe, but he did not care.

By the time I got to the hospital, I could not breathe and I was drenched in sweat.

Once again, I was humiliated by Officer Dowd, as he made me walk into the Hospital at 1PM, very crowded, half naked, (in only a bra and underwear, no shoes, drenched in sweat, unable to breathe) and in handcuffs.

I would estimate at least 50 people in or near the Hospital observed me like this.

All this, because I tried to file criminal charges against an Aberdeen cop's son for harassing me at my house the night before and also to retaliate against me for suing them.

Officer Dowd lied to the Hospital never telling them the truth that I was there because I tried to file criminal charges against an Aberdeen cops' son.

I told Officer Dowd I would add him to my lawsuit and he told me "I am already in it".

Another statement *from the defendants' proving this incident was retaliation against me.*

Even the Psychiatrist I ended up talking to at the Hospital told me "even if the police think you have emotional problems",

"YOU STILL HAVE CIVIL RIGHTS AND THEY VIOLATED ALL YOUR CIVIL RIGHTS IN THIS INCIDENT BY TREATING YOU LIKE AN ANIMAL".

I still have nightmares and flashbacks about this incident. This incident contributed to causing my current emotional condition of Complex Post Traumatic Stress Disorder which in 2009 Dr. Holstein in his expert report (See Exhibit A) stated his opinion that this disorder was DIRECTLY CAUSED BY MULTIPLE TRAUMATIC INCIDENTS OF POLICE BRUTALITY against me by the Defendants, the Aberdeen Police.

Previously, submitted in my original complaint,

I recount this incident because so Your Honor can understand how abusive, malicious, outrageous, brutal, illegal, wanton and evil minded the Defendants' conduct is towards me, and how this conduct has caused severe emotional injury to me, psychological damage and has DIRECTLY CAUSED my condition of COMPLEX POST Traumatic Stress Disorder.

This incident shocks the conscious!

Everyone wants to believe that the police are all good people and that they all follow the letter of the law and serve and protect everyone.

But that is not reality. Because I have tried to exercise my constitutional right to sue them (First Amendment), they have viciously retaliated against me time and time again. Their stalking of me, following me everywhere, sitting and watching my house, illegally trespassing on my property in uniform for NO VALID REASON, is a violation of my Fourteenth Amendment right to Freedom and Liberty, is a violation of my First Amendment right against retaliation for me suing them;

They have no right to make me constantly, EVERY SINGLE DAY, fear for my safety from them. They are abusing their authority. They know I cannot afford a lawyer and their conduct is willfull, intentional, malicious, and evil minded because they KNOW because I have explicitly, repeatedly stated in this lawsuit, in my prior lawsuit, in multiple amendments, that their stalking makes me fear for my safety,

I have called 911 recently when they stalked me in May 14. I have left messages with Aberdeen Internal Affairs and various Aberdeen Sgts. Again repeatedly expressing to them that their stalking makes me afraid and makes me fear for my safety.

They know this and they continue to do it, knowing it cause me great emotional duress.

And even when I run out of town, scared for my safety from their stalking, I AM STILL STALKED BY THEM, (Officer Craig Hausmann stalks me off duty, late at night 1 Hour North to my Boyfriends house, over at least 15 times..

My boyfriend is a witness to this several times, but is TOO AFRAID TO COME FORWARD because Officer Hausmann has a lot of POWER AS A COP, and my boyfriend has seen how they have ruined my life and refuse to leave me alone.

Aberdeen Police Officers, such as Officer Hausmann, just a normal patrol Officer make 102,000 year.

They should be held to a very High standard for making so much money.

The above conduct has continued, relentlessly since 2000. The above comments give Your Honor and the Court just one example, there are hundreds, and an insight into the unprofessional, harassment, seizing of my Liberty, happiness, freedom from police by the defendants, that I have had to deal with constantly from the defendants.

*The above is also evidence that all the incidents are a **continuous, pattern of harassment of m, since I filed my initial Tort Claim against the in 99**, and all violations in my complaint should be considered as Continuing Violations and as such, the statute of limitaions should NOT apply.*

Lastly, since the Defendants KNOW from my previous lawsuit and Amendments and this Lawsuit that I fear for my safety from them when they stalk me follow me, trespass illegally on my property; and that it causes me great emotional distress and aggravates my emotional condition of Complex Post Traumatic Stress Disorder which they directly caused (Dr Holstein in 2009 stated this in his report (See Exhibit A

I have stated the above **Explicitly over 10 times in CLEAR language in BOTH lawsuits**, most recently in my Motion for a Second Amendment (6/14)

The fact that the Defendants know that their stalking/following me causes me great emotional distress and makes me fear for my safety from them proves that the Defendants' conduct is willful, evil minded, intentional, intimidating, an abuse of their authority and malicious and constitutes grounds for awarding me, the plaintiff punitive damages

The stalking, following, invalid surveillance of me always intensifies, becomes much worse, gets more aggressive and out of control EVERY time I try to take legal action to stop their illegal actions.

The defendants are abusing their authority and trying to scare me and intimidate me and show me "They have the Power always" and there is Nothing I can do to stop it.

My first introduction to the Defendants was in 99 when I was told by Aberdeen Sgt. Hourihan "We have the Power".

 It is significant to note, that as I left the library after writing this Brief on 6/25/14 at 7Pm I was ONCE AGAIN followed/stalked by an marked Aberdeen patrol car SUV.

Even my own lawyer who had 30+ years experience (Criminal) and was a former Prosecutor told me when I turned to him about the defendants stalking me he stated

"They will never leave you alone"

"Your are Marked"

"Move somewhere else"

Specific evidence that there are corrupt police officers in Monmouth County:

1. In 2/14, a Little Silver Officer, lost his job and was put in prison for 5 years, for beating up a man in handcuffs and then lieing about it and
2. An Eatontown cop, Officer Emmanuel, is on Probation for Raping a woman when he was an Eatontown Officer and married with 3 children. He lost his job. (2012)

I brought this lawsuit because I am entitled under the Constituiton, to equal protection under the law; to Freedom and Liberty and Happiness.

I should NOT have to run out of town because I am frightened of the Police who are paid a lot of money to SERVE and PROTECT.

I should be able to stay at my house without being watched/ stalked by the police.

As the Supreme Court said in their 6-25-14 decision requiring Search Warrants to search/seize a person's cell phone"

Phone, one of the Judge's stated "Privacy, even if it 'comes at a cost' is Paramount'. Asbury Park Press, 6-26-14, Section B, page, 3B.

I turn to the Court for this very important preservation of my Fourteenth Amendment right to freedom and respectfully request Your Honor grant a **Preliminary Injunction against the defendants**, the Aberdeen Police, *from following me, stalking me, watching my house, trespassing on my property for no valid reason, and using any kind of surveillance to watch, follow me, etc.*

The fact is I have *family responsibilities in Aberdeen*. I have to care for my elderly 92 year old mother and my disabled brother.

The fact is, the Defendants will **NOT EVER stop** this harassment, retaliation, stalking, following, invalid surveillance of me unless it is a **Court Order –a Preliminary Injunction** ordering them *to stop stalking, following me invalid surveillance of me* from Your Honor.

Based on all of my arguments above and the point that **I constantly fear for my safety from the Defendants EVERY DAY** from their stalking, I respectfully request Your Honor grant my request for a Preliminary Injunction stopping the Defendants from stalking, following, Invalid surveillance of me; trespassing on my property for no valid reason.

Also please see Exhibit B - A Letter I wrote to the ~~Aberdeen Police PA~~ (10-12) stating I was frightened of their continued stalking of me.

The Order is enclosed.

Thank you,

Respectfully submitted,

Plaintiff

Karen Born

Karen Born